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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 SHARON A. HELSEL,

Case No. 3:13-cv-00135-MMD-WGC

10 Plaintiff,

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

11 v.

12 CAROLYN W. COLVIN, Commissioner of  
Social Security,

13 Defendant.

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15 Before the Court is Magistrate Judge William G. Cobb's Report and  
16 Recommendation ("R&R") (dkt. no. 24), regarding Plaintiff Sharon A. Helsel's Motion to  
17 Remand (dkt. no. 14) and Defendant Carolyn W. Colvin's Cross-Motion For Summary  
18 Judgment (dkt. no. 22). Judge Cobb entered the R&R on February 5, 2014. Objections  
19 to the R&R were due by February 22, 2014. No objections were filed.

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This Court "may accept, reject, or modify, in whole or in part, the findings or  
recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely  
objects to a magistrate judge's report and recommendation, then the court is required to  
"make a *de novo* determination of those portions of the [report and recommendation] to  
which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,  
the court is not required to conduct "any review at all . . . of any issue that is not the  
subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth  
Circuit has recognized that a district court is not required to review a magistrate judge's  
report and recommendation where no objections have been filed. See *United States v.*

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1       *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
2 employed by the district court when reviewing a report and recommendation to which no  
3 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
5 district courts are not required to review "any issue that is not the subject of an  
6 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then  
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
9 which no objection was filed).

10       Nevertheless, this Court finds it appropriate to engage in a *de novo* review in  
11 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to  
12 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on  
13 the record. The R&R thus recommends that the Court deny Plaintiff's motion to remand  
14 for a new hearing (dkt. no. 14) and grant Defendant's Cross-Motion for Summary  
15 Judgment (dkt. no. 22). In reaching its conclusion, the R&R makes the following findings:  
16 (1) the ALJ met his burden of showing specific, legitimate reasons supported by  
17 substantial evidence for rejecting consultative physician's assessment of Plaintiff's ability  
18 to stand or walk; and (2) the ALJ properly set forth specific, clear and convincing reasons  
19 for making an adverse credibility determination regarding Plaintiff's testimony and  
20 allegations of her limitations. Upon review of the R&R and the record in this case, the  
21 Court determines that it is appropriate to adopt the R&R in full.

22       It is hereby ordered that the R&R (dkt. no. 24) is accepted and adopted. Plaintiff's  
23 Motion to Remand (dkt. no. 14) is denied and Defendant's Cross-Motion For Summary  
24 Judgment (dkt. no. 22) is granted. The decision of the ALJ is affirmed.

25       DATED THIS 10<sup>th</sup> day of July 2014.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

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